SBCivil Writ Petition No.4441/2006

Navendra Pal
Vs.
The Marwar, Ganganagar, Bikaner (MGB) Gramin Bank, Pali and others.

Date of Order :: 4th October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. S.P.Sharma, for the petitioner.
Mr. P.K.Lohra, for the respondents.

....

By this petition for writ a challenge is given to the order dated 8.8.2006 passed by General Manager, MGB, Rural Bank, Pali to the extent it relates to transfer of petitioner from Sirodi in District Sirohi to Badgaon in District Jalore.

The contentions raised by counsel for the petitioner to challenge the order impugned are:

(1)that the petitioner is District President of MGB, Gramin Bank Employees' Federation affiliated with All India Banking Employees' Association, therefore, with a view to victimise him and to curb the trade union activities he has been transferred;

(2)that the petitioner is subjected to transfer for the reason that he has preferred a writ petition before this Court giving challenge to promotion procedure adopted by the bank; and

(3)that the order impugned is passed in violation of transfer policy of the bank declared on 16.4.1988.

A reply to the writ petition has been filed on behalf of the respondents stating therein that transfer of the petitioner was made in administrative exigency and in interest of bank. There is no violation of any statute and the order of transfer is also not an out come of any malafides.

Heard counsel for the parties.

It is well settled that the courts can interfere with an order of transfer if the same is in violation of statute, is shockingly arbitrary or is apparently out come of malafides and extraneous consideration. No material is available on record to substantiate the contention that the petitioner has been transferred on the count that he is an office bearer of a union. There is nothing on record on basis of that it may be even assumed that the respondents want to shunt out petitioner to curb his trade union activities or to victimise him. The reliance placed by the counsel for the petitioner upon the judgment of this Court in the case of Ram Charan Sharma & Or. v. The State (2002(2) RLR 364) is having no application in present case as that one was the case of proved unfair practice adopted by the employer.

The petitioner also utterly failed to establish that he has been transferred on the count that he preferred a writ petition before this Court.

A transfer is a normal incidence in service and to interfere with an order of transfer there must be a strong case of malafides or apparent violation of statutory rights. In the instant matter no such circumstance is available.

The allegation of order being passed in contravention of transfer policy is also not sustainable as the policy does not possess statutory force and also not create any right in favour of the petitioner that may be justiciable by this Court under Article 226 of the Constitution of India.

The writ petition, therefore, stands dismissed. However, it is open for the petitioner to submit a representation to the management of the respondent bank if he is having any inconvenience at his present place of posting. In the event the petitioner submits such a representation, it is expected from the respondents that they shall consider the same objectively.

(GOVIND MATHUR),J.

kkm/ps.